

IN THE UNITED STATES DISTRICT COURT
FOR THE Northern DISTRICT OF TEXAS
DALLAS DIVISION

(Write the District and Division, if any, of
the court in which the complaint is filed.)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JUN - 3 2016

CLERK, U.S. DISTRICT COURT
By [Signature]
Deputy

JEWELLEAN MOORE,
ARTHUR CARSON

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

LOS LOMAS APT.,
REXIPAGE INC.,
BRISA HERNANDEZ,

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

Complaint for a Civil Case

Case No. 3:16-cv-01080-M-BN
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Jewelleen MOORE</u>
Street Address	<u>1515 N. TOWN EAST BLVD. #138-334</u>
City and County	<u>MESQUITE, TX.</u>
State and Zip Code	<u>TX. 75150</u>
Telephone Number	<u>501-240-2422</u>
E-mail Address	<u></u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>REALPAGE INC.,</u>
Job or Title (if known)	<u>TENANT BACKGROUND checking</u>
Street Address	<u>4000 INTERNATIONAL PARKWAY</u>
City and County	<u>CARROLTON</u>
State and Zip Code	<u>TX. 75007</u>
Telephone Number	<u>866-934-1124</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u>LOS LOMAS APT.</u>
Job or Title (if known)	<u></u>
Street Address	<u>6161 TRAIL GLEN</u>
City and County	<u>DALLAS, DALLAS CO.</u>

State and Zip Code TEXAS 75217
Telephone Number 214-391-0297
E-mail Address _____
(if known) _____

Defendant No. 3

Name BRISA HERNANDEZ
Job or Title ASST. MANAGER
(if known) _____
Street Address 6161 TRAIL GLEN
City and County DALLAS, TX. 75217
State and Zip Code TX. 75217
Telephone Number 214-391-0297
E-mail Address _____
(if known) _____

Defendant No. 4

Name _____
Job or Title _____
(if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 U.S.C. 1681, Title VIII, CIVIL RIGHTS ACT OF
1968, 42 U.S.C. 3601, 15 U.S.C. 45 UNFAIR AND DECEPTIVE
ACTS, TEX. PROPERTY CODE 92.3515, TITLE VII FAIR
HOUSING ACT, 24 CFR 982.553 (c)(2).

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) ARTHUR CARSON, is a citizen of
the State of (name) TEXAS.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name)
_____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) BRISA HERNANDEZ, is a citizen of
the State of (name) TEXAS. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) REMPAGE INC., is incorporated under the laws of the State of (name) TEXAS, and has its principal place of business in the State of (name) TEXAS. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

THE PROVISIONS OF THE FAIR CREDIT ACT AND 28 U.S.C
1331, AND AGGREGATED CLAIMS IN THE AMOUNT OF
\$ 1,000,000

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

ON MARCH 10, 2016, JEWELLEAN MOORE, AND ARTHUR
CARSON, APPLIED FOR AN APARTMENT AT THE LOS COMAS
APARTMENTS, TWO APPLICATION FEES TOTALING \$ 70.00
WERE PAID @ \$35.00 PER APPLICATION. BOTH APPLICATIONS
WAS DENIED FOR THE SAME REASONS, "CRIMINAL HISTORY,

AND Credit History, SCORE", AS TOLD BY Brisa Hernandez, CONFIRMED BY REAPAGE INC., (ATTACHED EXHIBIT # 1, 2). EACH DEFENDANT, FAILED TO TAKE CORRECTIVE ACTION WHEN INFORMED OF ERRORS IN THEIR DECISION, OR REPORT.

JEWELLEAN MOORE:

Jewellean Moore, HAS NEVER BEEN ARRESTED NOR CONVICTED OF ANY FELONY, OR MISDEMEANOR. THE USE OF CRIMINAL HISTORY WAS INACCURATE.

THE USE OF ~~ACREDIT~~ HISTORY, AND SCORE AS A CRITERIA WERE ARBITRARILY MADE, SINCE THIS WAS NOT PART OF LOS LOMAS TENANT'S SELECTION CRITERIA, SEE (ATTACHED EXHIBIT # 3).

LOS LOMAS APARTMENT, REAPAGE INC., HAS USED FALSE INFORMATION AGAINST AFRICAN AMERICANS TO EXCLUDE THEM FROM HOUSING. BRISA HERNANDEZ, HAS USED THE APPLICATION FEE PROCESS AS A REVENUE GENERATOR WHILE IGNORING FAIR HOUSING; REFUSING TO USE A LEGITIMATE LAW ENFORCEMENT AGENCY FOR BACKGROUND CHECKS.

Arthur Carson's Claims

ARTHUR CARSON, EXPLAINED TO BRISA HERNANDEZ, THE LENGTH OF TIME ELAPSED SINCE HIS CONVICTION, AND THE LIFE STYLE CHANGE, BRISA HERNANDEZ INDICATED IT MADE NO DIFFERENCE, THAT THERE WAS A TOTAL BAN ON EX-FELOWS.

LATER ON, ARTHUR CARSON DISCOVERED BRISA HERNANDEZ, LOS LOMAS APARTMENT, AND REALPAGE INC., USED A THIRTY-EIGHT YEAR OLD CONVICTION, "A MISDEMEANOR", A FALSE CONVICTION FROM SOMEONE OTHER THAN ARTHUR WAYNE CARSON, WITH HIS SOCIAL SECURITY NUMBER NOT THE SAME, AND A MIDDLE NAME OF "RAY".

THE LOS LOMAS APARTMENT'S FAILURE TO USE A LAW ENFORCEMENT AGENCY FOR BACKGROUND CHECKS, OR USE AUTHENTIC DOCUMENTS, HAS ALLOWED REALPAGE INC., TO USE INTERNET GARBAGE TO DENY HOUSING.

THE DEFENDANT'S USE OF PRIOR CONVICTIONS INFINITELY, WITHOUT ANY

CONSIDERATION TO THE LENGTH OF TIME FROM THE CONVICTION, REGARDLESS OF CARSON'S ATTEMPT TO DEMONSTRATE REHABILITATION, REPRESENT ONGOING PUNISHMENT, CASTIGATION, AND BLANKET BAN ON HOUSING FOR THOSE WITH PRIOR CONVICTIONS.

(A). THE DEFENDANTS, LOS LOMAS APARTMENTS, BRISA HERNANDEZ, AND REALPAGE INC., PRACTICE, POLICY IS ~~A~~ DISFRANCHISEMENT TO EX-FELONS, AND UNFAIRLY DISCRIMINATES AGAINST AFRICAN-AMERICANS, SINCE AFRICAN AMERICANS ARE DIS-PROPORTIONATELY IMPRISONED AND CONVICTED, THIS BLANKET BAN ON HOUSING IS EQUALLY DISPARATE TO ARTHUR CARSON, A AFRICAN-AMERICAN EX-FELON.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$1,000.000 FOR DISCRIMINATORY EXCLUSION
OF AFRICAN AMERICANS FROM HOUSING, AND USE OF
INACCURATE BACKGROUND DATA, AND USE OF PRISON
CONVICTIONS WITHOUT REGARD TO ANY TIME FRAME
OR OTHER CONSIDERATIONS.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/30, 2016.

Signature of Plaintiff

Printed Name of Plaintiff

Arthur Carson / Jewell Moore
ARTHUR CARSON / Jewell Moore

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

3/10/2016

Arthur Carson
3801 Us Highway 80 E
Mesquite, TX 75150-3302, US

Thank you for your recent application. Your request for a leasing agreement was carefully considered and we regret that we are unable to approve your application at this time for the following reason(s):

Credit history unsatisfactory
Criminal history unsatisfactory
Credit score unsatisfactory or insufficient

Our decision was based in whole or in part on the credit and/or public record information obtained for the group application, including the reports from the consumer reporting agencies listed below relating to Jewellean Moore. You have the right, under the Fair Credit Reporting Act, to know the information contained in your file at the bureaus listed below. Under the Fair Credit Reporting Act, you have the right to submit a written request to the consumer reporting agency for a free copy of your consumer credit report no later than 60 days after you receive this notice. The reporting agency played no part in our decision and is unable to supply specific reasons why we have made this decision on your leasing application.

We also obtained your credit score from the consumer reporting agency listed below and used it as a factor in our decision. Your credit score is a number that reflects the information in your credit report. Your credit score can change, depending on how the information in your credit report changes.

Your Credit Score : 557

Date:3/10/2016

Scores range from a low of 350 to a high of 850

Key factors that adversely affected your credit score:

Serious delinquency and derogatory public record or collection filed

Number of accounts with delinquencies

Length of time accounts have been established

Length of time since derogatory public record or collection is too short

In addition to your credit score which we obtained from the consumer reporting agency, our screening services provider, RealPage, Inc., also provides a score. Your LeasingDesk Score is set forth below.

Your LeasingDesk Score :278

Scores range from a low of 0 to a high of 1000

Key factors that adversely affected your LeasingDesk score:

Tradeline scoring

Fico

Rental Collection

If you have a question on the completeness or accuracy of the information used to create the consumer report, you have the right to dispute the matter by contacting the consumer reporting agencies listed below:

Equifax
P.O. Box 105873

Brisa Hernandez

(EX#1)

Atlanta, Georgia, 30348
(800) 685-1111

RealPage, Inc.
4000 International Parkway
Carrollton, Texas, 75007
(866) 934-1124
<http://www.realpage.com/consumer-dispute>

If you have a question about this notice or the community's rental standards, please contact the submitting property.

Las Lomas
6161 Trail Glen
Dallas, TX 75217 ,US

Sincerely,
Las Lomas

3/10/2016

Jewellean Moore
3801 Us Highway 80 E
Mesquite, TX 75150-3302, US

Thank you for your recent application. Your request for a leasing agreement was carefully considered and we regret that we are unable to approve your application at this time for the following reason(s):

Credit history unsatisfactory
Criminal history unsatisfactory
Credit score unsatisfactory or insufficient

Our decision was based in whole or in part on the credit and/or public record information obtained for the group application, including the reports from the consumer reporting agencies listed below relating to Arthur Carson. You have the right, under the Fair Credit Reporting Act, to know the information contained in your file at the bureaus listed below. Under the Fair Credit Reporting Act, you have the right to submit a written request to the consumer reporting agency for a free copy of your consumer credit report no later than 60 days after you receive this notice. The reporting agency played no part in our decision and is unable to supply specific reasons why we have made this decision on your leasing application.

We also obtained your credit score from the consumer reporting agency listed below and used it as a factor in our decision. Your credit score is a number that reflects the information in your credit report. Your credit score can change, depending on how the information in your credit report changes.

Your Credit Score : 532

Date: 3/10/2016

Scores range from a low of 350 to a high of 850

Key factors that adversely affected your credit score:

Serious delinquency and derogatory public record or collection filed
Length of time accounts have been established
Number of accounts with delinquencies
Time since delinquency is too recent or unknown

In addition to your credit score which we obtained from the consumer reporting agency, our screening services provider, RealPage, Inc., also provides a score. Your LeasingDesk Score is set forth below.

Your LeasingDesk Score : 278

Scores range from a low of 0 to a high of 1000

Key factors that adversely affected your LeasingDesk score:

Tradeline scoring
Fico
Rental Collection

If you have a question on the completeness or accuracy of the information used to create the consumer report, you have the right to dispute the matter by contacting the consumer reporting agencies listed below:

Equifax
P.O. Box 105873

Brisa Hernandez

(EX#2)

Las Lomas Apartment Community

Tenant Selection Criteria

Qualifications Guidelines:

Fair Housing & VAWA Statement: Our Apartment Community is committed to compliance with all Federal, State, and Local Fair Housing laws. It is our policy to offer apartments for rental to the general public without regards to race, color, national origin, religion, sex, Familial status, handicap and violence against women victims. Additionally, our ability to verify whether these requirements have been met is limited to the information we receive from the tenants and from third party credit reporting services used.

Maximum Occupancy Standards:

The maximum occupancy is as follows: Stated by the guidelines set forth by the department of Housing and Urban Development (HUD)

Maximum Application Fee:

The maximum application fee per adult will be of \$35.00 (Thirty-Five Dollars 00/100).

Age Requirements:

Leaseholder (s) must be (18) eighteen – years age unless an emancipated minor through the court, Married and head of household and or single and with child. All occupants (18) eighteen – years or older will be required to complete an application even if living with parent(s) or guardian(s) or head of household.

Income Requirements:

Your gross monthly income must be sufficient to cover (2) two times the amount of the apartment rent. All residents must provide their most recent (6) six check stubs if paid weekly, (3) three check stubs if paid bi-weekly, (3) three check stubs if paid semi-monthly, which must include their year to date earning and/or complete employment information for third party verification. If self- employed you may provide the prior year's income tax return with supporting documentation. At least (6) six months of verifiable employment is required. Households participating in a voucher program requires the household to have the greater of: the monthly income of (2) two times the household's share of the total monthly rent or an annual income of \$2,500.

Requirement for Section 8 and recipients of housing assistance programs:

Section 8* and recipients of other housing assistance programs, applicants are welcome and must qualify with all criteria except income.

Rental History:

We require (6) months verifiable rental history.

Second chance: No broken leases or evictions in the last 24 months, and no more than one within 5 years after that. A regular deposit (depending on size of an apartment) will be required. And no specials will be granted.

First time renters: Will be accepted with a regular deposit and no specials

Criminal History:

Leaseholder(s) or Occupant(s) with a felony conviction in the last ten (10) years will not be accepted. Leaseholder(s) or Occupant(s) who exhibit crimes involving a minor, crime of violence, illegal drugs with intent of deliver, prostitution or weapons of any kind will not be accepted. Female victims of abuse will not be disallowed under criminal specifically for the abuse.

Pet Criteria:

We allow (2) animals per household. The pet weight limit are not to exceed (25) lbs. The deposit is (250.00) two hundred and fifty dollars per pet, which is refundable in full if the pet does not damage the apartment, or will be used as needed to pay damages if any. **No Pit Bulls are allowed!** Service animals are allowed and exempt from this requirement unless they become a danger to the staff or other residents and if this were to be the case the specific animal will no longer be allowed.

Fire Arms Criteria:

We do not allow the possession of firearms on property. Exceptions to this rule are that individuals that require the possession of fire arms due to lawful employment, such as security guards or Military will be allowed to have them, if they can provide the office with proof of such employment, as well as a State or Federal issued permit.

Reasonable Accommodations:

There are 37 handicap units on the property. Subject to unit availability, if no handicap units are available, one will be made available if requested, upon completion and signature of Special Need Certification. The property will undertake reasonable apartment modification up to a cost of \$500 and with a time frame of 10 working days. The property will make best efforts to accommodate women victims of abuse by transferring them to another unit. This is subject to their fulfilling their rental requirements.

Transfer Policy:

Transfer request effective at the end of a lease will be approved subject to unit availability and compliance with all rental qualification requirements for the new unit.

Wait List Policy:

In case one of the requested floor plans is not available for an approved applicant, candidates will be placed on a waiting list on a first come basis.

Arthur Casare 3/10/16
Resident's Signature Date

Jewellean Moore 3/10/16
Resident's Signature Date

Resident's Signature Date

Resident's Signature Date

Owner's Representative Date

This document of 4/1/2015 supersedes previous versions.

(EX#3)

Atlanta, Georgia, 30348
(800) 685-1111

RealPage, Inc.
4000 International Parkway
Carrollton, Texas, 75007
(866) 934-1124
<http://www.realpage.com/consumer-dispute>

If you have a question about this notice or the community's rental standards, please contact the submitting property.

Las Lomas
6161 Trail Glen
Dallas, TX 75217, US

Sincerely,
Las Lomas

ARTHUR CARSON
JEWELLEAN MOORE

NO. 3:16-CV-01080

Clerk:

ENCLOSED Please FIND our AMENDED COMPLAINT
AS Per THE MAGISTRATE'S ORDER.

This is THE SECOND SUBMITTED COPY Since May 14,
2016, where THAT COPY HAS NOT YET BEEN RECEIVED
By your OFFICE, or LOST in THE MAIL.

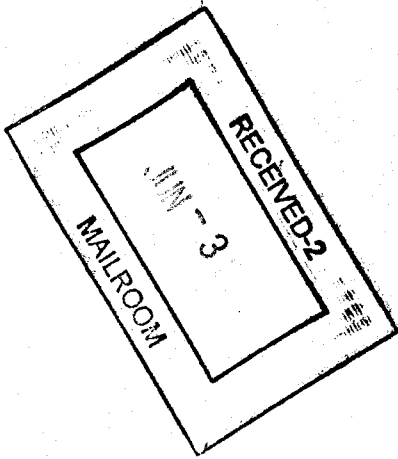
Please Allow THIS COPY To supersede Any
Other SINCE THE DEFICIENCY ORDER OF 5/04/2016.

THANK YOU,

Arthur Carson

A. Carlson
1515 N. TOWN EAST BLDG. #138-334
MESQUITE, TX. 75157

X-RAY



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UNITED STATES CLERK
NORTHERN DISTRICT OF TEXAS
1100 COMMERCE ST.
DALLAS, TX. 75242

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